

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Kenneth L. Brinkley : Paper No:
Serial No. 09/177,047 : Group Art Unit: 1742
Filed: October 22, 1998 : Primary Examiner: S. Johnson

For: **FIREARM AND IMPULSE MONITORING DEVICE**

SECOND SUPPLEMENTAL RESPONSE

MAIL STOP: Amendment
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated April 15, 2009, and is substantively identical to the response filed on December 12, 2008 and on April 1, 2009. This Second Supplemental Response corrects a typographical error in the Status of Claims section, the identification of claim 63 as canceled and as pending. All other sections are exactly the same as filed on December 12, 2008. As indicated by the Examiner in a telephone call on April 1, 2009, and reconfirmed in a voice mail message left on April 20, 2009, 37 CFR 1.111 is not applicable to reissue applications and a listing of claims is not required. As suggested in the voice mail message, it appears that the April 15, 2009, Office Action titled Failure to Acceptably Respond to Notice of Non-Compliant Amendment was sent out by clerical staff, apparently unaware of the Examiner's indication of the inapplicability of 37 CFR 1.111.

Applicant believes the time period for responding to the March 2, 2009, Office Action was tolled by the response filed on April 1, 2009, and therefore an extension of time is not required for this Second Supplemental Response addressing a typographical error.

Claim Status begins on page 2.

Remarks begin on page 3.